

2011 DRAFTING REQUEST

Bill

Received: 01/19/2012

Received By: jkuesel

Wanted: Soon

Companion to LRB:

For: Mark Pocan (608) 266-8570

By/Representing: Glenn Wavrunek

May Contact:

Drafter: jkuesel

Subject: Ethics
Lobbying
Legislature - miscellaneous

Addl. Drafters: rchampag

Extra Copies:

Submit via email: YES

Requester's email: Rep.Pocan@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Model legislation advocacy; disclosure of scholarship funds; use of legislative office moneys

Instructions:

Per attached E mail, 1/17/12.

Drafting History:

Table with columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Row 1: /?, jkuesel, mduchek, 01/31/2012, 02/02/2012, rchampag, 02/01/2012, Crime. Row 2: /1, phenry, 02/02/2012, sbasford, 02/02/2012, ggodwin, 02/06/2012.

FE Sent For:

Handwritten signature: hore

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/?	jkuesel 01/31/2012 rchampag 02/01/2012	mduchek 02/02/2012		_____			Crime
/1			pherry 02/02/2012	_____	sbasford 02/02/2012		

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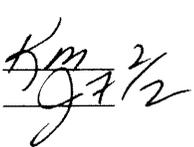
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/?	jkuesel						
FE Sent For:				<END>			

## Kuesel, Jeffery

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**From:** Wavrunek, Glenn  
**Sent:** Tuesday, January 17, 2012 8:12 AM  
**To:** Kuesel, Jeffery  
**Subject:** RE: Bill Request

We would also like to add this bullet point too. Thanks!

- Ban state legislative office accounts from paying for membership fees to any organization that advocates "model legislation."

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**From:** Wavrunek, Glenn  
**Sent:** Tuesday, January 17, 2012 7:56 AM  
**To:** Kuesel, Jeffery  
**Subject:** Bill Request

Jeff -

I'll give you a ring next to discuss, but here is a bill that Mark would like to introduce.

Basically, the bill is focused on any organization that advocates "model legislation." The bill would:

- Apply existing regulations that govern lobbyists to now also apply to any organization or person that advocates "model legislation."
- Require organizations that distribute "scholarship funds" for lawmaker attendance at conferences to disclose certain information within 90 days of each disbursement, including names of legislators, legislative staff, and other state officials who received the funds, along with the names of the corporations or individuals paying into the fund.
- Require all lawmakers who receive any "scholarship funds" from any organization to report all such funds on their annual statements of financial disclosure.

Thanks,

Glenn Wavrunek  
Office of Rep. Mark Pocan

**Kuesel, Jeffery**

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**From:** Wavrunek, Glenn  
**Sent:** Tuesday, January 17, 2012 12:10 PM  
**To:** Kuesel, Jeffery  
**Subject:** FW: FYI - draft ALEC Accountability Act  
**Attachments:** financial disclosure; model legislation; lobbying 2nd draft 2012.pdf  
Jeff -

Here is a copy of the AZ legislation -- it has not been released yet and they asked that this is not for public view at this point. Thanks,

Glenn Wavrunek  
Office of Rep. Mark Pocan

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**From:** Steve Farley [mailto:SFarley@azleg.gov]  
**Sent:** Tuesday, January 17, 2012 11:55 AM  
**To:** Rep.Pocan  
**Subject:** RE: FYI - draft ALEC Accountability Act

Here is our most current draft.  
The title will be: **financial disclosure; model legislation; lobbying**

*Andrea J. Martinez*  
*Assistant to Representative Steve Farley*  
*District 28*  
*Assistant Leader, Democratic Caucus*  
*1700 W. Washington St., Suite H*  
*Phoenix, AZ 85007*  
*602-926-3022*  
*[amartinez@azleg.gov](mailto:amartinez@azleg.gov)*

REFERENCE TITLE: financial disclosure; model legislation; lobbying

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

**H. B. \_\_\_\_\_**

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTIONS 38-542, 41-1231, 41-1232.02, 41-1232.03 AND 41-1232.04,  
ARIZONA REVISED STATUTES; RELATING TO PUBLIC OFFICERS AND LOBBYING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 38-542, Arizona Revised Statutes, is amended to  
3 read:  
4 38-542. Duty to file financial disclosure statement; contents;  
5 exceptions  
6 A. In addition to other statements and reports required by law, every  
7 public officer, as a matter of public record, shall file with the secretary  
8 of state on a form prescribed by the secretary of state a verified financial  
9 disclosure statement covering the preceding calendar year. The statement  
10 shall disclose:  
11 1. The name and address of the public officer and each member of his  
12 household and all names and addresses under which each does business.  
13 2. The name and address of each employer and of each other source of  
14 compensation other than gifts amounting to more than one thousand dollars  
15 received during the preceding calendar year by the public officer and members  
16 of his household in their own names, or by any other person for the use or  
17 benefit of the public officer or members of his household, a description of  
18 the services for which the compensation was received and the nature of the  
19 employer's business. This paragraph shall not be construed to require the  
20 disclosure of individual items of compensation that constituted a portion of  
21 the gross income of the business from which the public officer or members of  
22 his household derived compensation.  
23 3. For a controlled business, a description of the goods or services  
24 provided by the business, and if any single source of compensation to the  
25 business during the preceding calendar year amounts to more than ten thousand  
26 dollars and is more than twenty-five per cent of the gross income of the  
27 business, the disclosure shall also include a description of the goods or  
28 services provided to the source of compensation. For a dependent business  
29 the statement shall disclose a description of the goods or services provided  
30 by the business and a description of the goods or services provided to the  
31 source of compensation from which the dependent business derived the amount  
32 of gross income described in section 38-541, paragraph 4. If the source of  
33 compensation for a controlled or dependent business is a business, the  
34 statement shall disclose a description of the business activities engaged in  
35 by the source of compensation.  
36 4. The names and addresses of all businesses and trusts in which the  
37 public officer or members of his household, or any other person for the use  
38 or benefit of the public officer or members of his household, had an  
39 ownership or beneficial interest of over one thousand dollars at any time  
40 during the preceding calendar year, and the names and addresses of all  
41 businesses and trusts in which the public officer or any member of his  
42 household held any office or had a fiduciary relationship at any time during  
43 the preceding calendar year, together with the amount or value of the  
44 interest and a description of the interest, office or relationship.

1           5. All Arizona real property interests and real property improvements,  
2 including specific location and approximate size, in which the public  
3 officer, any member of his household or a controlled or dependent business  
4 held legal title or a beneficial interest at any time during the preceding  
5 calendar year, and the value of any such interest, except that this paragraph  
6 does not apply to a real property interest and improvements thereon used as  
7 the primary personal residence or for the personal recreational use of the  
8 public officer. If a public officer, any member of his household or a  
9 controlled or dependent business acquired or divested any such interest  
10 during the preceding calendar year, he shall also disclose that the  
11 transaction was made and the date it occurred. If the controlled or  
12 dependent business is in the business of dealing in real property interests  
13 or improvements, disclosure need not include individual parcels or  
14 transactions as long as the aggregate value of all parcels of such property  
15 is reported.

16           6. The names and addresses of all creditors to whom the public officer  
17 or members of his household, in their own names or in the name of any other  
18 person, owed a debt of more than one thousand dollars or to whom a controlled  
19 business or a dependent business owed a debt of more than ten thousand  
20 dollars which was also more than thirty per cent of the total business  
21 indebtedness at any time during the preceding calendar year, listing each  
22 such creditor. This paragraph shall not be construed to require the  
23 disclosure of debts owed by the public officer or any member of his household  
24 resulting from the ordinary conduct of a business other than a controlled or  
25 dependent business nor shall disclosure be required of credit card  
26 transactions, retail installment contracts, debts on residences or  
27 recreational property exempt from disclosure under paragraph 5 of this  
28 subsection, debts on motor vehicles not used for commercial purposes, debts  
29 secured by cash values on life insurance or debts owed to relatives. It is  
30 sufficient disclosure of a creditor if the name and address of a person to  
31 whom payments are made is disclosed. If the public officer, any member of  
32 his household or a controlled or dependent business incurred or discharged a  
33 debt which is reportable under this subsection during the preceding calendar  
34 year, the report shall disclose that the transaction was made and the date it  
35 occurred.

36           7. The identification and amount of each debt exceeding one thousand  
37 dollars owed at any time during the preceding calendar year to the public  
38 officer and members of his household in their own names, or to any other  
39 person for the use or benefit of the public officer or any member of his  
40 household. The disclosure shall include the identification and amount of  
41 each debt exceeding ten thousand dollars to a controlled business or  
42 dependent business which was also more than thirty per cent of the total  
43 indebtedness to the business at any time during the preceding calendar year.  
44 This paragraph shall not be construed to require the disclosure of debts from  
45 the ordinary conduct of a business other than a controlled or dependent

1 business. If the public officer, any member of his household or a controlled  
2 or dependent business incurred or discharged a debt which is reportable under  
3 this subsection during the preceding year, the report shall disclose that the  
4 transaction was made and the date it occurred.

5 8. The name of each source of any gift, or accumulated gifts from a  
6 single source, of more than five hundred dollars received by the public  
7 officer and members of his household in their own names during the preceding  
8 calendar year, or by any other person for the use or benefit of the public  
9 officer or any member of his household except gifts received by will or by  
10 virtue of intestate succession, or received by way of distribution from any  
11 inter vivos or testamentary trust established by a spouse or by an ancestor,  
12 or gifts received from any other member of the household or relatives to the  
13 second degree of consanguinity. Political campaign contributions shall not  
14 be construed as gifts if otherwise publicly reported as political campaign  
15 contributions as required by law.

16 9. A list of all business licenses issued to, held by or in which the  
17 public officer or any member of his household had an interest at any time  
18 during the preceding calendar year, including the name in which the license  
19 was issued, the type of business and its location.

20 10. A list of all bonds, together with their value, issued by this  
21 state or any political subdivision of this state and held at any time during  
22 the preceding calendar year by the public officer or any member of his  
23 household, which bonds issued by a single entity had a value in excess of one  
24 thousand dollars. If the public officer or any member of his household  
25 acquired or divested any bonds during the preceding calendar year which are  
26 reportable under this paragraph, the fact that the transaction occurred and  
27 the date shall also be shown.

28 11. A DESCRIPTION OF ANY BENEFIT RECEIVED BY THE PUBLIC OFFICER OR ANY  
29 MEMBER OF THE HOUSEHOLD OF THE PUBLIC OFFICER OR RELATIVES OF THE PUBLIC  
30 OFFICER TO THE SECOND DEGREE OF CONSANGUINITY IF THE BENEFIT IS IN THE FORM  
31 OF TRAVEL, LODGING OR REGISTRATION FEES RELATED TO A CONFERENCE, MEETING OR  
32 OTHER EVENT, WITHOUT REGARD TO WHETHER DENOMINATED A SCHOLARSHIP, A REDUCED  
33 RATE OR A FULL OR PARTIAL REIMBURSEMENT. THE DESCRIPTION OF THE BENEFIT  
34 RECEIVED SHALL ITEMIZE THE SPECIFIC DOLLAR AMOUNT OF THE BENEFIT RECEIVED AND  
35 MAY NOT BE REPORTED IN A CATEGORY RANGE AS PRESCRIBED IN SUBSECTION B OF THIS  
36 SECTION. THERE IS NO MINIMUM AMOUNT AND THIS PARAGRAPH APPLIES TO ANY  
37 BENEFIT IN THE FORM OF TRAVEL, LODGING OR REGISTRATION FEES. THE DESCRIPTION  
38 SHALL ALSO SEPARATELY ITEMIZE THE BENEFIT RECEIVED IN THE FORM OF TRAVEL,  
39 LODGING AND REGISTRATION, AND SHALL DISCLOSE THE NAME AND ADDRESS OF THE  
40 DONOR OR PAYOR OF EACH BENEFIT.

41 B. EXCEPT AS PRESCRIBED IN SUBSECTION A, PARAGRAPH 11 OF THIS SECTION,  
42 if an amount or value is required to be reported pursuant to this section, it  
43 is sufficient to report whether the amount or value of the equity interest  
44 falls within:

1           1. Category 1, one thousand dollars to twenty-five thousand dollars.  
2           2. Category 2, more than twenty-five thousand dollars to one hundred  
3 thousand dollars.  
4           3. Category 3, more than one hundred thousand dollars.  
5           C. This section does not require the disclosure of any information  
6 that is privileged by law.  
7           D. The statement required to be filed pursuant to subsection A shall  
8 be filed by all persons who qualified as public officers at any time during  
9 the preceding calendar year on or before January 31 of each year with the  
10 exceptions that a public officer appointed to fill a vacancy shall, within  
11 sixty days following his taking of such office, SHALL file a financial  
12 disclosure statement covering as his annual period the twelve month period  
13 ending with the last full month prior to the date of his taking office, and a  
14 public officer whose final term expires less than thirty-one days into the  
15 immediately following calendar year may file the public officer's final  
16 financial disclosure at the same time as the disclosure for the last  
17 immediately preceding year.  
18           E. The secretary of state shall prepare written guidelines, forms and  
19 samples for completing the financial disclosure statement required by this  
20 section. A copy of the guidelines, forms and samples shall be distributed to  
21 each public officer and shall be made available to each candidate required to  
22 file a financial disclosure statement pursuant to section 38-543.  
23           Sec. 2. Section 41-1231, Arizona Revised Statutes, is amended to read:  
24           41-1231. Definitions  
25           In this article, unless the context otherwise requires:  
26           1. "Authorized lobbyist" means any person, other than a designated  
27 lobbyist or lobbyist for compensation, who is employed by, retained by or  
28 representing a principal with or without compensation for the purpose of  
29 lobbying and who is listed as an authorized lobbyist by the principal in its  
30 registration pursuant to section 41-1232.  
31           2. "Authorized public lobbyist" means a person, other than a  
32 designated public lobbyist, who is employed by, retained by or representing a  
33 public body, with or without compensation, for the purpose of lobbying and  
34 who is listed as an authorized public lobbyist by the public body in its  
35 registration pursuant to section 41-1232.01.  
36           3. "Designated lobbyist" means the person who is designated by a  
37 principal as the single point of contact for the principal and who is listed  
38 as the designated lobbyist by the principal in its registration pursuant to  
39 section 41-1232.  
40           4. "Designated public lobbyist" means the person who is designated by  
41 a public body as the single point of contact for the public body and who is  
42 listed as the designated public lobbyist by the public body in its  
43 registration pursuant to section 41-1232.01.

1           5. "Entertainment" means the amount of any expenditure paid or  
2 incurred for admission to any sporting or cultural event or for participation  
3 in any sporting or cultural activity.

4           6. "Expenditure" means a payment, distribution, loan, advance, deposit  
5 or gift of money or anything of value and includes a contract, promise or  
6 agreement, whether or not legally enforceable, to make an expenditure that  
7 provides a benefit to an individual state officer or state employee and that  
8 is incurred by or on behalf of one or more principals, public bodies,  
9 lobbyists, designated public lobbyists or authorized public lobbyists.

10          7. "Family gift" means a gift to a state officer or employee or a  
11 member of the officer's or employee's household from a principal, lobbyist,  
12 designated public lobbyist or authorized public lobbyist who is a relative of  
13 the state officer or employee or a member of the household of the state  
14 officer or employee if the donor is not acting as the agent or intermediary  
15 for someone other than a person covered by this paragraph.

16          8. "Food or beverage" means the amount of any expenditure paid or  
17 incurred for food or beverages for a state officer or employee provided at a  
18 location at which the principal, public body, lobbyist, designated public  
19 lobbyist or authorized public lobbyist who made the expenditure is present.

20          9. "Gift" means a payment, distribution, expenditure, advance, deposit  
21 or donation of money, any intangible personal property or any kind of  
22 tangible personal or real property. For purposes of this article gift does  
23 not include:

24           (a) A gift, devise or inheritance from an individual's spouse, child,  
25 parent, grandparent, grandchild, brother, sister, parent-in-law,  
26 brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin or  
27 the spouse of any such individual if the donor is not acting as the agent or  
28 intermediary for someone other than a person covered by this subdivision.

29           (b) Expenditures which are either properly reported or exempt from  
30 reporting under this chapter for:

31           (i) A speaking engagement.

32           (ii) Food or beverages.

33           (iii) Travel and lodging.

34           (iv) Flowers.

35           (c) Salary, compensation or employer reimbursed expenses lawfully paid  
36 to a public official.

37           (d) The value, cost or price of professional or consulting services  
38 that are not rendered to obtain a benefit for any registered principal,  
39 public body, lobbyist, designated public lobbyist or authorized public  
40 lobbyist or the clients of a principal or lobbyist.

41           (e) Expenses relating to a special event or function to which all  
42 members of the legislature, either house of the legislature or any committee  
43 of the legislature are invited.

1 (f) A plaque or other form of recognition similar to a plaque to a  
2 state officer or state employee to signify the honorary recognition of a  
3 service or other notable accomplishment.

4 (g) Informational material such as books, reports, pamphlets,  
5 calendars or periodicals.

6 (h) An item that is not used and that is returned within fifteen days  
7 of receipt to the donor or that is delivered within fifteen days of receipt  
8 to a charitable organization and that is not claimed as a charitable  
9 contribution for state or federal income tax purposes.

10 (i) A campaign contribution that is properly received and reported as  
11 required by law.

12 (j) An item that is given to a state officer or employee if the state  
13 officer or employee gives an item of approximately the same value to the  
14 giver of the item at the same time that the item is given or on a similar  
15 occasion as the one that prompted the original item to be given.

16 (k) Gifts of a personal nature that were customarily received by an  
17 individual from the donor before the individual became a state officer or  
18 employee.

19 (l) An item that is given to the general public at an event.

20 10. "Legislation" means bills, resolutions, memorials, amendments,  
21 nominations and other matters that are pending or proposed in either house of  
22 the legislature of this state or, for the purposes of bonding, ~~lobbying~~ for  
23 any matter pending or proposed before a school district governing board.

24 11. "Lobbying" means attempting to influence the passage or defeat of  
25 any legislation by directly communicating with any legislator, or in the case  
26 of bonding, lobbyists directly communicating with any school district  
27 employee or a school district governing board member, or attempting to  
28 influence any formal rule making proceeding pursuant to chapter 6 of this  
29 title or rule making proceedings that are exempt from chapter 6 of this title  
30 by directly communicating with any state officer or employee. LOBBYING  
31 INCLUDES COMMUNICATING WITH OR ASSISTING A LEGISLATOR WITH RESPECT TO OR  
32 PROMOTING THE PASSAGE OF DRAFT, PROPOSED OR MODEL LEGISLATION, WHETHER AT A  
33 CONFERENCE, MEETING OR OTHER EVENT THAT OCCURS AT A LOCATION OTHER THAN THE  
34 LEGISLATURE OR WHILE AT THE LEGISLATURE, AND WITHOUT REGARD TO WHETHER THE  
35 SPONSOR OF THE CONFERENCE, MEETING OR OTHER EVENT IS A PRIVATE NONPROFIT  
36 CORPORATION. Lobbying does not include:

37 (a) Interagency communications between state agency employees.

38 (b) Communications between a public official or employee of a public  
39 body, designated public lobbyist or authorized public lobbyist and any state  
40 officer, except for a member of the legislature, or an employee of the  
41 legislature.

42 (c) Oral questions or comments made by a person to a state officer or  
43 employee regarding a proposed rule and made in public at a meeting or  
44 workshop that is open to the public and that is sponsored by a state agency,  
45 board, commission, council or office.

1           12. "Lobbyist" means any person, other than a designated public  
2 lobbyist or authorized public lobbyist, who is employed by, retained by or  
3 representing a person other than himself, with or without compensation, for  
4 the purpose of lobbying and who is listed as a lobbyist by the principal in  
5 its registration pursuant to section 41-1232. Lobbyist includes a lobbyist  
6 for compensation, designated lobbyist and authorized lobbyist. Lobbyist  
7 includes attorneys whose practice involves bonding, underwriters of bonds and  
8 investment bankers whose business includes bonding.

9           13. "Lobbyist for compensation" means a lobbyist who is compensated for  
10 the primary purpose of lobbying on behalf of a principal and who is listed by  
11 the principal in its registration pursuant to section 41-1232.

12           14. "Person" means an individual, partnership, committee, association  
13 or corporation and any other organization or group of persons, except  
14 legislators and political parties qualified for representation on the ballot  
15 pursuant to section 16-801 or 16-804.

16           15. "Personal hospitality" means hospitality, meals, beverages,  
17 transportation or lodging furnished but not commercially provided by a person  
18 on property or facilities owned or possessed by the person or the person's  
19 family.

20           16. "Principal" means any person, other than a public body, that  
21 employs, retains, engages or uses, with or without compensation, a lobbyist  
22 OR THAT ENGAGES IN LOBBYING. Principal includes any subsidiary of a  
23 corporation.

24           17. "Public body" means the Arizona board of regents, a university  
25 under the jurisdiction of the Arizona board of regents, the judicial  
26 department, any state agency, board, commission or council, any county, any  
27 county elected officer who elects to appoint a designated public lobbyist or  
28 any city, town, district or other political subdivision of this state that  
29 receives and utilizes tax revenues and that employs, retains, engages or  
30 uses, with or without compensation, a designated public lobbyist or  
31 authorized public lobbyist.

32           18. "Public official" means a person who is duly elected, appointed or  
33 retained through election to an elected state, county or local office.

34           19. "Single expenditure" means an expenditure that provides a benefit  
35 of more than twenty dollars to an individual state officer or state employee  
36 and that is incurred by or on behalf of one or more principals, public  
37 bodies, lobbyists, designated public lobbyists or authorized public  
38 lobbyists.

39           20. "Speaking engagement":

40           (a) Means the amount of any expense paid or incurred for entrance  
41 fees, lodging, food and beverage, entertainment, travel and other expenses  
42 for the state officer's or employee's attendance at an event, committee,  
43 meeting, conference or seminar, including meetings of state, regional or  
44 national organizations or their committees concerned with legislative or  
45 governmental activities if the state officer or employee participates in the

1 event as a speaker or panel participant by presenting information relating to  
2 the state officer's or employee's legislative or official duties or by  
3 performing a ceremonial function appropriate to the state officer's or  
4 employee's position.

5 (b) Does not include expenditures for an honorarium or any other  
6 similar fee paid to a speaker.

7 21. "State employee" means an employee of the legislature, a university  
8 under the jurisdiction of the Arizona board of regents, the judicial  
9 department or a state office, agency, board, commission or council.

10 22. "State officer" means a person who is duly elected, appointed or  
11 retained through election to any state office, or a member of any state  
12 board, commission or council, and includes a member of the legislature.

13 Sec. 3. Section 41-1232.02, Arizona Revised Statutes, is amended to  
14 read:

15 41-1232.02. Expenditure reporting; principals and lobbyists;  
16 gifts

17 A. Each principal shall report annually all single expenditures,  
18 whether or not the expenditures were made in the course of lobbying. These  
19 single expenditures shall be itemized separately, and each itemization shall  
20 include the date of the expenditure, the amount of the expenditure, the name  
21 of each state officer or employee receiving or benefitting from the  
22 expenditure, the category of the expenditure and the name of the lobbyist or  
23 other person who made the expenditure on behalf of the principal. In  
24 addition each principal shall report annually the aggregate of all  
25 expenditures of twenty dollars or less received by or benefitting a state  
26 officer or employee, whether or not the expenditures were made in the course  
27 of lobbying. The report shall be filed by March 1 and shall list the annual  
28 expenditures made on behalf of the principal. If March 1 is a Saturday,  
29 Sunday or other legal holiday, the report shall be filed on the next business  
30 day.

31 B. Each lobbyist for compensation and designated lobbyist shall report  
32 quarterly all single expenditures incurred in the preceding calendar quarter  
33 by the lobbyist for compensation or designated lobbyist, whether or not the  
34 single expenditures were made in the course of lobbying. These single  
35 expenditures shall be itemized separately, and each itemization shall include  
36 the date of the expenditure, the amount of the expenditure, the name of the  
37 state officer or employee receiving or benefitting from the expenditure, the  
38 category of the expenditure and the principal on whose behalf the expenditure  
39 was made. If the expenditure was made by the lobbyist and was not made on  
40 behalf of a principal, it shall be itemized separately. The quarterly report  
41 shall be filed no later than the last day of the month following the end of  
42 the calendar quarter, unless the last day of the month is a Saturday, Sunday  
43 or other legal holiday. In that case, the report shall be filed on the next  
44 business day.

1 C. Each lobbyist for compensation and designated lobbyist shall also  
2 report quarterly the aggregate of all expenditures of twenty dollars or less  
3 received by or benefitting a state officer or employee, whether or not the  
4 expenditures were made in the course of lobbying. The report shall list  
5 separately the aggregate of expenditures made on behalf of each principal and  
6 the aggregate not made on behalf of any principal. In the fourth calendar  
7 quarter, these expenditures shall also be listed by cumulative total for the  
8 calendar year. Each quarterly lobbyist report shall include all reportable  
9 expenditures made by any employee of the lobbyist for compensation or  
10 designated lobbyist, regardless of whether that employee is listed as a  
11 lobbyist on any registration filed by a principal engaging the lobbyist. The  
12 quarterly report shall be filed no later than the last day of the month  
13 following the end of the calendar quarter, unless the last day of the month  
14 is a Saturday, Sunday or other legal holiday. In that case, the report shall  
15 be filed the next business day.

16 D. The reports required by subsections A and B of this section shall  
17 identify each single expenditure according to the following categories,  
18 EXCEPT THERE IS NO MINIMUM AMOUNT AND THE REPORTS SHALL ITEMIZE ANY BENEFIT  
19 PROVIDED IN THE FORM OF TRAVEL, LODGING OR REGISTRATION FEES EVEN IF THE  
20 AMOUNT OF THE BENEFIT DOES NOT CONSTITUTE A SINGLE EXPENDITURE AS DEFINED IN  
21 SECTION 41-1231:

22 1. Food or beverages.  
23 2. Speaking engagement.  
24 3. Travel. ~~and~~  
25 4. Lodging.  
26 5. REGISTRATION FEES PAID FOR A CONFERENCE, MEETING OR OTHER EVENT,  
27 WITHOUT REGARD TO WHETHER DENOMINATED A SCHOLARSHIP, A REDUCED RATE OR A FULL  
28 OR PARTIAL REIMBURSEMENT, AND THE REPORTS SHALL INCLUDE THE NAME AND ADDRESS  
29 OF ALL DONORS OR PAYORS INTO ANY ACCOUNT OR FUND THAT IS AGGREGATED AND USED  
30 TO PROVIDE THE BENEFIT.

31 ~~4.~~ 6. Flowers.  
32 ~~5.~~ 7. Other expenditures.

33 E. Expenditures by principals and lobbyists such as those for the  
34 lobbyist's personal sustenance, office expenses, filing fees, legal fees,  
35 employees' compensation, lodging and travel are not required to be reported.  
36 In addition, expenditures by a principal or a lobbyist for family gifts,  
37 personal hospitality or those items excluded from the definition of gift  
38 pursuant to section 41-1231, paragraph 9, subdivision (a), (c), (d), (f),  
39 (g), (h), (i), (j), (k) or (l) are not required to be reported.

40 F. All expenditures incurred by a principal or lobbyist in the case of  
41 special events for legislators, including parties, dinners, athletic events,  
42 entertainment and other functions, to which all members of the legislature,  
43 either house of the legislature or any committee of the legislature are  
44 invited shall be reported. Expenditures are not required to be allocated to  
45 individual legislators, but for each such event a description of the event

1 and the date, location, name of the legislative body invited and total  
2 expenditures incurred shall be reported. Expenditures for special events  
3 held in conjunction with state, national or regional meetings of an  
4 organization or association concerned or dealing with legislative or other  
5 governmental activities to which all state officers or state employees in  
6 attendance at such event are invited shall be reported in the same manner.

7 G. All information required to be filed pursuant to this section with  
8 the secretary of state shall be filed in that office and preserved by the  
9 secretary of state for five years from the date of filing, after which time  
10 the information shall be destroyed. The information is a public record and  
11 open to public inspection.

12 H. If a principal, lobbyist for compensation or designated lobbyist  
13 makes no expenditures that it would otherwise be required to report during a  
14 specified reporting period, the principal, lobbyist for compensation or  
15 designated lobbyist may sign a notarized form prescribed by the secretary of  
16 state indicating that there were no expenditures during the specific  
17 reporting period.

18 I. A person or organization shall not make a gift to or an expenditure  
19 on behalf of a state officer or employee through another person or  
20 organization for the purpose of disguising the identity of the person making  
21 the gift or expenditure.

22 J. A principal or lobbyist or any other person acting on behalf of a  
23 principal or lobbyist shall not give to any state officer or state employee  
24 and a state officer or state employee shall not accept from a principal or  
25 lobbyist either of the following:

26 1. Gifts with a total value of more than ten dollars during any  
27 calendar year.

28 2. Gifts that are designed to influence the state officer's or state  
29 employee's official conduct.

30 Sec. 4. Section 41-1232.03, Arizona Revised Statutes, is amended to  
31 read:

32 41-1232.03. Expenditure reporting; public bodies and public  
33 lobbyists; gifts

34 A. Each public body shall report annually all single expenditures  
35 received by or benefitting a member of the legislature whether or not the  
36 expenditures were made in the course of lobbying. These expenditures shall  
37 be itemized separately, and each itemization shall include the date of the  
38 expenditure, the amount of the expenditure, the name of each member of the  
39 legislature receiving or benefitting from the expenditure, the category of  
40 the expenditure and the name of the designated public lobbyist or authorized  
41 public lobbyist who made the expenditure on behalf of the public body. In  
42 addition each public body shall report annually the aggregate of all  
43 expenditures of twenty dollars or less received by or benefitting a member of  
44 the legislature, whether or not the expenditures were made in the course of  
45 lobbying. The report shall list all expenditures by the public body made in

1 the course of lobbying for the personal sustenance, filing fee, legal fees,  
2 employees' compensation, meals, lodging and travel of the designated public  
3 lobbyist and all authorized public lobbyists employed or retained by, and  
4 representing, the public body. The public body shall apportion expenditures  
5 that are attributable both to lobbying and to other activities of the public  
6 body and shall report only the portion attributable to lobbying. For the  
7 purpose of reporting employee compensation, a public body, on establishing a  
8 time allocation schedule for apportioned lobbying activity based on actual  
9 experience under this article, may submit after the 1993 calendar year an  
10 affidavit to the secretary of state stating the compensation attributable to  
11 lobbying for subsequent years for the designated public lobbyist and all  
12 authorized public lobbyists whose job responsibilities have not been  
13 significantly altered since the time allocation schedule was established.  
14 The report shall be filed by March 1 and shall list the annual expenditures  
15 made on behalf of the public body. If March 1 is a Saturday, Sunday or other  
16 legal holiday, the report shall be filed on the next business day.

17 B. Each designated public lobbyist shall report quarterly all single  
18 expenditures received by or benefitting a member of the legislature and  
19 incurred in the preceding calendar quarter by the designated public lobbyist,  
20 whether or not the single expenditures were made in the course of lobbying.  
21 Each designated public lobbyist's report shall also include all single  
22 expenditures incurred in the preceding calendar quarter by each authorized  
23 public lobbyist who is registered pursuant to section 41-1232.01 by the same  
24 public body that registered the designated public lobbyist. This subsection  
25 does not apply to an expenditure that was made by a designated public  
26 lobbyist or authorized public lobbyist and that was received by or benefitted  
27 an employee of a public body, if the employee is not a member or employee of  
28 the legislature or a member of the household of a member or employee of the  
29 legislature. These expenditures shall be itemized separately, and each  
30 itemization shall include the date of the expenditure, the amount of the  
31 expenditure, the name of the member or employee receiving or benefitting from  
32 the expenditure, the category of the expenditure and the public body on whose  
33 behalf the expenditure was made. If the expenditure was made by the  
34 designated public lobbyist or authorized public lobbyist and was not made on  
35 behalf of a public body, it shall be itemized separately. The quarterly  
36 report shall be filed no later than the last day of the month following the  
37 end of the calendar quarter, unless the last day of the month is a Saturday,  
38 Sunday or other legal holiday. In that case, the report shall be filed on  
39 the next business day.

40 C. Each designated public lobbyist shall also report quarterly the  
41 aggregate of all expenditures of twenty dollars or less received by or  
42 benefitting a member of the legislature, whether or not the expenditures were  
43 made in the course of lobbying. Each designated public lobbyist's report  
44 shall also include the aggregate of all expenditures of twenty dollars or  
45 less that were received by or benefitted a member of the legislature and that

1 were made by an authorized public lobbyist who is registered pursuant to  
2 section 41-1232.01 by the same public body that registered the designated  
3 public lobbyist. This subsection does not apply to an expenditure that was  
4 made by a designated public lobbyist or authorized public lobbyist and that  
5 was received by or benefitted an employee of a public body, if the employee  
6 is not a member or employee of the legislature or a member of the household  
7 of a member or employee of the legislature. The report shall list separately  
8 the aggregate of expenditures made on behalf of each public body and the  
9 aggregate not made on behalf of any public body. In the fourth calendar  
10 quarter, these expenditures shall also be listed by cumulative total for the  
11 calendar year. Each quarterly lobbyist report shall include all reportable  
12 expenditures made by any employee of the designated public lobbyist or  
13 authorized public lobbyist, regardless of whether that employee is listed as  
14 a designated public lobbyist or authorized public lobbyist on any  
15 registration filed by a public body engaging the designated public lobbyist  
16 or authorized public lobbyist. The quarterly report shall be filed no later  
17 than the last day of the month following the end of the calendar quarter,  
18 unless the last day of the month is a Saturday, Sunday or other legal  
19 holiday. In that case, the report shall be filed on the next business day.

20 D. The reports required by subsections A and B of this section shall  
21 identify the nature of each single expenditure according to the following  
22 categories, EXCEPT THERE IS NO MINIMUM AMOUNT AND THE REPORTS SHALL ITEMIZE  
23 ANY BENEFIT PROVIDED IN THE FORM OF TRAVEL, LODGING OR REGISTRATION FEES EVEN  
24 IF THE AMOUNT OF THE BENEFIT DOES NOT CONSTITUTE A SINGLE EXPENDITURE AS  
25 DEFINED IN SECTION 41-1231:

- 26 1. Food or beverages.
- 27 2. Speaking engagement.
- 28 3. Travel. ~~and~~
- 29 4. Lodging.

30 5. REGISTRATION FEES PAID FOR A CONFERENCE, MEETING OR OTHER EVENT,  
31 WITHOUT REGARD TO WHETHER DENOMINATED A SCHOLARSHIP, A REDUCED RATE OR A FULL  
32 OR PARTIAL REIMBURSEMENT, AND THE REPORTS SHALL INCLUDE THE NAME AND ADDRESS  
33 OF ALL DONORS OR PAYORS INTO ANY ACCOUNT OR FUND THAT IS AGGREGATED AND USED  
34 TO PROVIDE THE BENEFIT.

- 35 ~~4.~~ 6. Flowers.
- 36 ~~5.~~ 7. Other expenditures.

37 E. Expenditures by a public body, designated public lobbyist or  
38 authorized public lobbyist for personal sustenance, family gifts, personal  
39 hospitality or those items excluded from the definition of gift pursuant to  
40 section 41-1231, paragraph 9, subdivision (a), (c), (d), (f), (g), (h), (i),  
41 (j), (k) or (l) are not required to be reported.

42 F. All expenditures incurred by a public body, designated public  
43 lobbyist or authorized public lobbyist in the case of special events for  
44 legislators, including parties, dinners, athletic events, entertainment and  
45 other functions, to which all members of the legislature, either house of the

1 legislature or any committee of the legislature are invited shall be  
2 reported. Expenditures are not required to be allocated to individual  
3 legislators, but for each such event a description of the event and the date,  
4 location, name of the legislative body invited and total expenditures  
5 incurred shall be reported. Expenditures for special events held in  
6 conjunction with state, national or regional meetings of an organization or  
7 association concerned or dealing with legislative or other governmental  
8 activities to which all members or employees of the legislature in attendance  
9 at such event are invited shall be reported in the same manner.

10 G. All information required to be filed pursuant to this section with  
11 the secretary of state shall be filed in that office and preserved by the  
12 secretary of state for five years from the date of filing, after which time  
13 the information shall be destroyed. The information is a public record and  
14 open to public inspection.

15 H. If a public body or designated public lobbyist makes no  
16 expenditures that it would otherwise be required to report during a specified  
17 reporting period, the public body or designated public lobbyist may sign a  
18 notarized form prescribed by the secretary of state indicating that there  
19 were no expenditures during the specific reporting period.

20 I. A person or organization shall not make a gift to or an expenditure  
21 on behalf of a member or employee of the legislature through another person  
22 or organization for the purpose of disguising the identity of the person  
23 making the gift or expenditure.

24 J. A public body, designated public lobbyist or authorized public  
25 lobbyist or any other person acting on behalf of a public body, designated  
26 public lobbyist or authorized public lobbyist shall not give to any member of  
27 the legislature and a member of the legislature shall not accept from a  
28 public body, designated public lobbyist or authorized public lobbyist either  
29 of the following:

30 1. Gifts with a total value of more than ten dollars during any  
31 calendar year.

32 2. Gifts that are designed to influence the member's or employee's  
33 official conduct.

34 K. Subsection J of this section does not apply to gifts given by a  
35 public body, designated public lobbyist or authorized public lobbyist to an  
36 employee of a public body, if the employee is not a public official or a  
37 member of the household of a public official or if the gift is accepted on  
38 behalf of the public body and remains the property of the public body.

39 Sec. 5. Section 41-1232.04, Arizona Revised Statutes, is amended to  
40 read:

41 41-1232.04. Registration; exceptions

42 A. Sections 41-1232, 41-1232.01, 41-1232.02 and 41-1232.03 do not  
43 apply to a person if that person is acting in the following capacity:

1           1. A natural person who merely appears for himself before a committee  
2 of the legislature or before a state officer or employee or a state agency,  
3 board, commission or council to lobby in support of or in opposition to  
4 legislation or official action.

5           2. A natural person who, acting in his own behalf, sends a letter to,  
6 converses on the telephone with or has a personal conversation with a state  
7 officer or employee for the purpose of supporting or opposing any legislation  
8 or official action.

9           3. A duly elected or retained public official, judge or justice, a  
10 person duly appointed to an elective public office, or an appointed member of  
11 a state, county or local board, advisory committee, commission or council  
12 acting in his official capacity on matters pertaining to his office, board,  
13 advisory committee, commission or council.

14           4. A person WHO APPEARS UNDER THE AUTHORITY OF A LOBBYIST, DESIGNATED  
15 PUBLIC LOBBYIST OR AUTHORIZED PUBLIC LOBBYIST AND who answers technical  
16 questions or provides technical information at the request of a lobbyist,  
17 designated public lobbyist, authorized public lobbyist or legislator AT AN  
18 OPEN MEETING OF THE LEGISLATURE OR ANY COMMITTEE OR SUBCOMMITTEE OF THE  
19 LEGISLATURE AT WHICH THE LOBBYIST, DESIGNATED PUBLIC LOBBYIST OR AUTHORIZED  
20 PUBLIC LOBBYIST IS PRESENT and who makes no expenditures required to be  
21 reported by this article. FOR THE PURPOSES OF THIS PARAGRAPH, PROVIDING A  
22 LEGISLATOR WITH ARGUMENTS FOR OR AGAINST OR A DESCRIPTION OF THE EFFECTS OF  
23 POSSIBLE OR PENDING LEGISLATION DOES NOT CONSTITUTE TECHNICAL INFORMATION OR  
24 PROVIDING AN ANSWER TO A TECHNICAL QUESTION.

25           5. A person who performs professional services in drafting bills or in  
26 advising and rendering opinions to clients as to the construction and effect  
27 of proposed or pending legislation, IF THE DRAFTING, ADVISING OR RENDERING OF  
28 OPINIONS DOES NOT TAKE PLACE IN THE PRESENCE OF, AT THE REQUEST OF, OR WITH A  
29 LEGISLATOR.

30           6. An attorney ~~who represents~~ WHEN REPRESENTING clients before any  
31 court or before any quasi-judicial body. FOR THE PURPOSES OF THIS PARAGRAPH,  
32 THE LEGISLATURE, INCLUDING ANY ONE OR MORE OF ITS INDIVIDUAL MEMBERS, ITS  
33 COMMITTEES, SUBCOMMITTEES, TASK FORCES, CAUCUSES OR OTHER GROUPS, DOES NOT  
34 CONSTITUTE A COURT OR QUASI-JUDICIAL BODY.

35           7. A person who contacts a state officer or state employee solely for  
36 the purpose of acquiring information.

37           8. A person who contacts a state officer, state employee, school  
38 district governing board member or school district employee in connection  
39 with the procurement or attempted procurement of, or the fulfillment of  
40 contracts for, materials, services or construction. For the purposes of this  
41 paragraph, services include bonding services.

1           9. A natural person who is a member of an association, who is not the  
2 lobbyist for compensation, designated lobbyist or authorized lobbyist for the  
3 association and who does not make any expenditures that would otherwise be  
4 required to be reported by this article if the natural person were a  
5 lobbyist, designated public lobbyist or authorized public lobbyist.  
6           B. A PERSON WHO ENGAGES IN LOBBYING AS DEFINED IN SECTION 41-1231  
7 SHALL COMPLY WITH THE REGISTRATION AND REPORTING REQUIREMENTS PRESCRIBED BY  
8 THIS ARTICLE UNLESS EXEMPTED UNDER THIS SECTION.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3867?  
JTK & RAC

1

TKU 2/2

e/med

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

prohibits the expending of certain money by members of the legislature

(generate)

1 AN ACT <sup>(generate)</sup> relating to: attempts to influence action upon model or similar  
2 proposed legislation and reporting by certain persons providing or state public  
3 officials receiving certain things of value for scholarship purposes? <sup>de</sup> <sup>o</sup>

**Analysis by the Legislative Reference Bureau**

Currently, with certain exceptions, a principal (person who employs a lobbyist) must register and file semiannual itemized expense statements with the Government Accountability Board (GAB). A lobbyist is a person who is retained by a principal and whose duties include attempting to influence state legislative action or rule making by oral or written communication, on behalf of the principal, with an elective state official, agency official, or legislative employee in this state.

Subject to the current exceptions, this bill requires registration and the filing of expense statements, in addition, by a principal who attempts to influence the development, drafting, consideration, modification, adoption, rejection, or defeat of uniform, model, suggested, or recommended legislation for consideration by the legislatures of this state and other states by oral or written communication with any person who is a member, employee, or agent of a body that proposes uniform, model, suggested, or recommended legislation for consideration by the legislatures of this state and other states. Violators are subject to a forfeiture (civil penalty) of not more than \$5,000 for each violation. A principal filing a statement that the principal does not believe is true is guilty of a felony and may be fined not more than \$10,000 or imprisoned for not more than 10 years, or both.

Currently, with certain exceptions, each state public official who is required to file an annual statement of economic interests with GAB and who receives for a

esix

published work or for the presentation of a talk or participation in a meeting, any thing of pecuniary value exceeding a total of \$50, excluding the value of food or beverages offered coincidentally with a talk or meeting, must report, on his or her statement, the identity of every person from whom the official receives the thing of value, the circumstances under which it is received, and the approximate value thereof.

\* This bill specifically extends this reporting requirement to each state public official who is required to file statements of economic interests and who receives for attendance at a meeting or conference any thing of pecuniary value for scholarship purposes and requires statements concerning things of value received to indicate whether a thing of value was received for scholarship purposes.

The bill also requires each person who provides any thing of value to a member of the legislature for scholarship purposes to file a report with GAB, in the manner and form specified by GAB, within 90 days after the thing of value is provided, disclosing the name of each member who received the thing of value together with the name of any legislative employee or state agency official who received any thing of value in connection with the same transaction or occurrence, the date that the thing of value was provided, and the names of any persons who contributed money to the person for the purpose of providing the thing of value within the 12-month period preceding the date on which the thing of value is provided. Currently, there is no similar requirement.

Violators of either of the above reporting requirements are subject to a forfeiture of not more than \$500 for each violation. Intentional violators are guilty of a misdemeanor and are subject to a fine of not less than \$100 nor more than \$5,000 or imprisonment for not more than one year, or both.

Insert  
Analysis

CRIME

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Insert 2-1

- 1 SECTION 1. 13.62 (8) of the statutes is amended to read:
- 2 13.62 (8) "Legislative action" means the development, drafting, introduction,
- 3 consideration, modification, adoption, rejection, review, enactment or defeat of any
- 4 bill, resolution, amendment, report, nomination, proposed administrative rule or
- 5 other matter by the legislature or by either house or any committee, subcommittee,
- 6 joint or select committee thereof, or by a legislator or employee of the legislature
- 7 acting in an official capacity. "Legislative action" also means the action of the
- 8 governor in approving or vetoing any bill or portion thereof, and the action of the

1 governor or any agency in the development of a proposal for introduction in the  
2 legislature. “Legislative action” also includes the development, drafting,  
3 consideration, modification, adoption, rejection, or defeat of uniform, model,  
4 recommended, or suggested legislation by any body that recommends proposed  
5 legislation for consideration by the legislatures of this state and other states.

**History:** 1977 c. 278; 1979 c. 260 s. 94; 1979 c. 328 s. 146; 1983 a. 27, 36; 1987 a. 399; 1989 a. 338; 1991 a. 32; 1993 a. 112; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2005 a. 74, 335, 463; 2007 a. 1, 20, 97; 2009 a. 28; 2011 a. 7, 10.

6 **SECTION 2.** 13.62 (10) of the statutes is amended to read:

7 13.62 (10) “Lobbying” means the practice of attempting to influence legislative  
8 or administrative action by oral or written communication with any elective state  
9 official, agency official or legislative employee, and includes time spent in  
10 preparation for such communication and appearances at public hearings or meetings  
11 or service on a committee in which such preparation or communication occurs.  
12 “Lobbying” also includes the practice of attempting to influence legislative action by  
13 oral or written communication with any person who is a member, employee, or agent  
14 of a body that proposes uniform, model, suggested, or recommended legislation for  
15 consideration by the legislatures of this state and other states.

**History:** 1977 c. 278; 1979 c. 260 s. 94; 1979 c. 328 s. 146; 1983 a. 27, 36; 1987 a. 399; 1989 a. 338; 1991 a. 32; 1993 a. 112; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2005 a. 74, 335, 463; 2007 a. 1, 20, 97; 2009 a. 28; 2011 a. 7, 10. ✓

16 **SECTION 3.** 19.56 (2) (a) of the statutes is amended to read:

17 19.56 (2) (a) Except as provided in par. (b), every official required to file who  
18 receives for a published work or for the presentation of a talk or participation in a  
19 meeting, any lodging, transportation, money or other thing with a combined  
20 pecuniary value exceeding \$50 excluding the value of food or beverage offered  
21 coincidentally with a talk or meeting <sup>every</sup> and ~~each~~ official required to file who receives  
22 for attendance at a meeting or conference any thing of pecuniary value for  
23 scholarship purposes shall, on his or her statement of economic interests, report the

1 identity of every person from whom the official receives such lodging, transportation,  
2 money or other thing during his or her preceding taxable year, the circumstances  
3 under which it was received ~~and~~, the approximate value thereof, and whether the  
4 thing of value was received for scholarship purposes.

History: 1977 c. 277; 1983 a. 61, 538; 1985 a. 203; 1989 a. 31, 338; 1991 a. 39; 1995 a. 27 ss. 455 to 457, 9116 (5); 2011 a. 32.

5 **SECTION 4. 19.56 (2m) of the statutes is created to read:**

6 19.56 (2m) Each person who provides any thing of value to a member of the  
7 legislature for scholarship purposes shall file a report with the board, in the manner  
8 and form specified by the board, within 90 days after the thing of value is provided,  
9 disclosing the name of each member who received the thing of value together with  
10 the name of any legislative employee or agency official who received any thing of  
11 value in connection with the same transaction or occurrence, the date that the thing  
12 of value was provided, and the names of any persons who contributed money to the  
13 person for the purpose of providing the thing of value within the 12-month period  
14 preceding the date on which the thing of value is provided.

15 **SECTION 5. Initial applicability.**

16 (1) The treatment of section 13.62 (8) and (10) of the statutes first applies with  
17 respect to lobbying that occurs on ~~and after~~ the first day of the 2nd month beginning  
18 after the effective date of this subsection.

19 (2) The treatment of section 19.56 (2) (a) of the statutes first applies with  
20 respect to things of value received on the effective date of this subsection.

21 (3) The treatment of section ~~19.56 (2m)~~ <sup>and 19.579 (1)</sup> of the statutes first applies with respect  
22 to things of value provided on ~~and after~~ the first day of the 2nd month beginning after  
23 the effective date of this subsection.

24 (END)

JNS  
4-15-11

16

17

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Ins 4-14

2m



Section #. 19.579 (1) of the statutes is amended to read:

19.579 (1) Except as provided in sub. (2), any person who violates this subchapter may be required to forfeit not more than \$500 for each violation of s. 19.43, 19.44, or 19.56 (2) <sup>or (2m)</sup> for not more than \$5,000 for each violation of any other provision of this subchapter. If the court determines that the accused has realized economic gain as a result of the violation, the court may, in addition, order the accused to forfeit the amount gained as a result of the violation. In addition, if the court determines that a state public official has violated s. 19.45 (13), the court may order the official to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained. If the court determines that a state public official has violated s. 19.45 (13) and no political contribution, service or other thing of value was obtained, the court may order the official to forfeit an amount equal to the maximum contribution authorized under s. 11.26 (1) for the office held or sought by the official, whichever amount is greater. The attorney general, when so requested by the board, shall institute proceedings to recover any forfeiture incurred under this section which is not paid by the person against whom it is assessed.

~~History: 2003 a. 39, 2007 a. 1 ss. 121, 130, 131.~~

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3867/linsRC  
RAC:.....

**insert Analysis:**

Finally, the bill prohibits any member of the legislature from expending any moneys allocated for the operation of his or her office for membership fees in any organization that proposes uniform, model, suggested, or recommended legislation for consideration by the legislatures of this state and other states.

**Insert 2-1:**

**SECTION 1.** 13.123 (4) of the statutes is created to read:

13.123 (4) PAYMENT OF MEMBERSHIP FEES TO CERTAIN ORGANIZATIONS. No member of the legislature may expend any moneys allocated for the operation of his or her office for membership fees in any organization that proposes uniform, model, suggested, or recommended legislation for consideration by the legislatures of this state and other states.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

*Dade*

LRB-3867/8dn

JTK+.....

*med*

Representative Pocan:

1. For the provisions of this draft that broaden the coverage of the lobbying regulation law [proposed s. 13.62 (8) and (10)] and the reporting requirement for persons who provide things of value to legislators for scholarship purposes [proposed s. 19.56 (2m)], both of which affect outside actors who might not currently be subject to any Wisconsin reporting requirement, I have provided for delayed implementation of 30 to 60 days in order to provide time for notice to be provided to potentially affected persons before the provisions take effect. If you prefer some other alternative, please let me know.
2. In proposed s. 19.56 (2m), I have limited the scope of the disclosure of the names of persons who contribute money to finance the provision of things of value for scholarship purposes to any person who provided money within the 12-month period preceding the date on which the thing of value is provided. We can substitute a different period if you wish but I think we need to have some limitation in view of the facts that money is fungible and if a contribution was made long before a reportable disbursement for scholarship purposes was made, the proceeds of that contribution were likely disbursed for some purpose that is unrelated to the particular scholarship funding at issue.
3. Because s. 19.56 (2m) potentially imposes a reporting requirement on persons who have no physical presence or attachment to this state and all reportable transactions may potentially occur outside the borders of this state, it is possible that in some instances it will not be possible to enforce the requirement as a practical matter. Short of federal legislation, I don't know what we can do to address this issue but just wanted you to be aware of it for the record.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3867/1dn

JTK:med:ph

February 2, 2012

Representative Pocan:

1. For the provisions of this draft that broaden the coverage of the lobbying regulation law [proposed s. 13.62 (8) and (10)] and the reporting requirement for persons who provide things of value to legislators for scholarship purposes [proposed s. 19.56 (2m)], both of which affect outside actors who might not currently be subject to any Wisconsin reporting requirement, I have provided for delayed implementation of 30 to 60 days in order to provide time for notice to be provided to potentially affected persons before the provisions take effect. If you prefer some other alternative, please let me know.

2. In proposed s. 19.56 (2m), I have limited the scope of the disclosure of the names of persons who contribute money to finance the provision of things of value for scholarship purposes to any person who provided money within the 12-month period preceding the date on which the thing of value is provided. We can substitute a different period if you wish but I think we need to have some limitation in view of the facts that money is fungible and if a contribution was made long before a reportable disbursement for scholarship purposes was made, the proceeds of that contribution were likely disbursed for some purpose that is unrelated to the particular scholarship funding at issue.

3. Because s. 19.56 (2m) potentially imposes a reporting requirement on persons who have no physical presence or attachment to this state and all reportable transactions may potentially occur outside the borders of this state, it is possible that in some instances it will not be possible to enforce the requirement as a practical matter. Short of federal legislation, I don't know what we can do to address this issue but just wanted you to be aware of it for the record.

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**Godwin, Gigi**

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**From:** Wavrunek, Glenn  
**Sent:** Monday, February 06, 2012 10:35 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3867/1 Topic: Model legislation advocacy; disclosure of scholarship funds; use of legislative office moneys

Please Jacket LRB 11-3867/1 for the ASSEMBLY.